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SUBJECT: LAO HMONG IN THAILAND: MATERIAL SUPPORT WAIVER  
DEMARCHE AND UPDATE

REF: STATE 146812

1. (SBU) On October 26, RefCoord delivered the demarche on the Lao Hmong material support waiver to Ittiporn Boonpracong, Deputy Director, International Organizations Department at the Ministry of Foreign Affairs. Ittiporn was accompanied by Phantipha Iamsudha, Acting Director, MFA Social Division, and a note taker. Ittiporn expressed gratitude for earlier post meetings in which the material support waiver's background and progress was detailed "so we were not caught off guard." Still, Ittiporn expressed concern that the domestic US focus of the waiver, and its cut-off date, would not be understood by Lao Hmong in Laos, or deliberately misrepresented by Lao Hmong advocacy groups and "alien smugglers." The feared result: an additional pull factor of people entering Thailand with the expectation of U.S. resettlement. RefCoord provided copies of the Department's press release which clearly noted that no new US resettlement program for Hmong was anticipated. Phantipha noted she had discussed the pull factor fear with PRM A/S Ellen Sauerbrey at the recent UNHCR Executive Committee meeting in Geneva, and was pleased Thailand's concerns were addressed by the press release. Ittiporn did request, however, that the press release not be posted on post's website: "a low profile is better." (Note: we have no plans to do so.)

2.(SBU) Ittiporn described Lao government interlocutors as "still very difficult" on the fate of 7,500 Lao Hmong in an army-run camp in Petchabun province, and 152 UNHCR-recognized refugees in the immigration detention center in Nong Khai. "We do not yet see any change in their position" that the two groups be returned to Laos, and requested the US attempt to influence the Vientiane government. According to Ittiporn, the RTG had initially won Lao acceptance of the idea of international NGO Doctors Without Borders accompanying Lao Hmong returnees to Laos for on site monitoring. The Lao side abruptly changed its mind, however, and continues to reject third party involvement in returns. Phantipha attributed the stubbornness to "loss of face" suffered by the Lao side in the prolonged standoff with the international community. As a solution, Phantipha suggested the return of the Lao Hmong to Laos, and then an in-country resettlement to third countries. RefCoord noted that this would require a Lao government-sanctioned UNHCR role to make referrals to the US Refugee Admissions Program, and that UNHCR is currently is prohibited from refugee status determinations in Laos. The RTG interviews of the Petchabun group, described by the MFA as designed to identify those with a genuine fear of return, have not yet begun. Budgetary shortfalls have slowed progress. The MFA believes the vetting will begin sometime in November, however.

13. (SBU) RefCoord asked for the MFA's views on delays in implementing the PRM-funded (and IOM-constructed) temporary shelter outside the Nong Khai IDC, designed to provide the detainees some relief from the crowded and unhealthy cells. Both Ittiporn and Phantipha attended a recent meeting between the RTG Immigration Bureau and IOM, in which the design plans (previously approved by the National Security Council) were rejected by the Deputy Immigration Commissioner. The MFA downplayed the Immigration-requested modifications (which include a roof over the IDC's courtyard), noting that they were intended to decrease the chance of detainees' escape. In Phantipha's view, the Lao Hmong group will remain in IDC detention "a long time" and the US had a "duty" to approve the modifications in light of the poor conditions in the IDC. RefCoord replied that the health and welfare of the IDC Nong Khai detainees was solely the responsibility of the RTG, and that the project would not go forward if the temporary shelter was designed to confine.

4.(SBU) Comment. We will work with the architect of the Nong Khai temporary shelter to ensure that it in no way confines the 152 Lao Hmong (including 90 children) stuck there since January. In a heartening development, the draconian RTG Immigration Commissioner, responsible for a 24/7 lock-down of the group from June until early September, was abruptly transferred from his post on October 26. The development will hopefully lead to a more flexible approach by the Immigration Department to the badly needed project.

BOYCE